

TPW

# TRANSMITTAL FORM

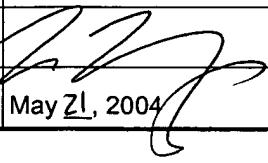
(to be used for all correspondence after initial filing)

		Application Number	10/729,622
		Filing Date	December 5, 2003
		First Named Inventor	Mark E. DEEM
		Art Unit	3765
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	6 pages + 2 refs.	Attorney Docket Number	514362000203

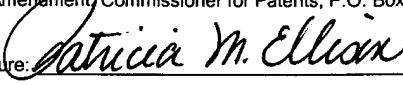
## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO-1449 + duplicate copy - 2 pages
<input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental) - 3 pages	<input type="checkbox"/> CD, Number of CD(s)	Two (2) references
<input type="checkbox"/> Certified Copy of Priority Document(s)		Return receipt postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Mika Mayer - 47,777	(Customer No. 25226)
Signature		
Date	May 21, 2004	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 21, 2004Signature:  (Patricia M. Ellison)

PATENT  
Docket No. 514362000203

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 26, 2004.

*Patricia M. Ellison*

Patricia M. Ellison



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Mark E. DEEM et al.

Serial No.: 10/729,622

Filing Date: December 5, 2003

For: OBESITY TREATMENT TOOLS AND  
METHODS

Examiner: Not Yet Assigned

Group Art Unit: 3765

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **514362000203**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 21 , 2004

Respectfully submitted,

By:

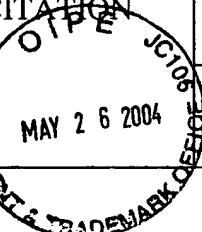


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Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (Use several sheets if necessary)		Docket Number 514362000203	Application Number 10/729,622
		Applicant	Mark E. DEEM et al.
		Filing Date December 5, 2003	Group Art Unit 3765
		Mailing Date May 21, 2004	



### U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
1.	10/03/2002	2002/0143346	McGuckin, JR. et al.				
2.	05/15/2003	2003/0093117	Saadat				
3.	06/26/2003	2003/0120289	McGuckin, JR. et al.				
4.	02/05/2004	2004/0024386	Deem et al.				
5.	09/09/1986	4,610,383	Rothfuss et al.				
6.	06/27/1989	4,841,888	Mills et al.				
7.	08/06/1991	5,037,021	Mills et al.				
8.	10/20/1992	5,156,609	Nakao et al.				
9.	07/19/1994	5,330,486	Wilk				
10.	09/03/1996	5,551,622	Yoon				
11.	03/04/1997	5,607,094	Clark et al.				
12.	08/12/1997	5,655,698	Yoon				
13.	10/14/1997	5,676,674	Bolanos et al.				
14.	04/27/1999	5,897,562	Bolanos et al.				
15.	12/26/2000	6,165,183	Kuehn et al.				
16.	07/03/2001	6,254,642	Taylor				

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
17.	12/24/2003	WO 03/105563	WIPO				
18.	12/24/2003	WO 03/105671	WIPO				

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.